



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

December 20, 2019

Department of Education
Office of the Secretary
Attn: Regulation Review
401 Federal Street, Suite 2
Dover, DE 19901

RE: 23 DE Reg. 416/14 DE Admin. Code 251 [DOE Proposed Family Educational Rights and Privacy Act (FERPA) Regulation (December 1, 2019)]

Dear Secretary Bunting:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to amend 14 DE Admin. Code 251. This regulation updates the names of the federal offices that are responsible for fielding complaints and conducting investigations of alleged FERPA violations. Council supports the proposed amendment; however, we would like to share the following observation.

The Student Privacy Policy Office (SPPO) was previously known as the Family Policy Compliance Office (FPCO), and the regulation updates the name. The regulation also adds reference to the Office of the Chief Privacy Officer, of which SPPO is one division. While the new information added is correct, the proposed regulation removes the language that more clearly explains the functions of these offices, which is that people may file complaints alleging FERPA violations and SPPO will investigate and review these complaints. Council would suggest keeping language that explains the roles of these offices so that the complaint process is clearer.

Thank you for the opportunity to share our support of the proposed amendment and our suggestion with you. Please contact me or Wendy Strauss at the GACEC office if you have any questions.

Sincerely,

Ann C Fisher

Ann C. Fisher

Chairperson

ACF: kpc

CC: Whitney Sweeney, State Board of Education
Mary Ann Mieczkowski, Department of Education
Emily Cunningham, Department of Education
Linnea Bradshaw, Professional Standards Board
Jenna Ahner, State Board of Education
Rae Mims, Esq.